

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M No.17357 of 2015.

Date of Decision: July 08, 2015.

Balinder Singh

....Petitioner.

VERSUS

State of Punjab and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab
assisted with Assistant Sub Inspector Varinder Kumar.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.2 dated 17.04.2015 under Sections 420, 465, 467, 468, 471, 448, 511/120-B of the Indian Penal Code (in short, "I.P.C.") registered at Police Station NRI, Sangrur.

The accusation against the petitioner was that he in connivance with one Malkiat Singh son of Bakhtaur Singh and Maghar Singh son of Jhanda Singh had got executed two registered sale deeds stating some Khasra numbers but annexing with the sale deeds photograph/site plan of

the house owned by complainant Jagdish Singh son of Gurbax Singh and his brother who were residing in Canada and Delhi respectively.

The inquiry conducted by the police revealed that Khasra numbers written in the sale deed do not tally with the boundaries of the property sold and on the basis of the sale deeds giving wrong details in the Municipal Council, Dhuri, entry with regard to ownership had been got recorded in the name of purchaser. The house was in the name of Santa Singh deceased grandfather of the complainant. It was also found that on 11.01.2015 an attempt had been made to take possession of the house which was lying locked since long by breaking open the doors.

Heard the submissions made by Mr. Navjot Singh, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

Learned counsel for the petitioner submitted that in the revenue record the vendor of the petitioner namely Malkiat Singh was named as owner of the Khasra numbers mentioned in the sale deed executed in favour of the petitioner. He is a bonafide purchaser and a false case has been got registered against him. Since nothing is to be recovered from him he be released on anticipatory bail.

Opposing the petition, learned Deputy Advocate General, Punjab produced photocopy of the registered sale deed executed by Malkiat Singh in favour of petitioner Balinder Singh. A site plan of the residential house situated at Ward No.7, Dhuri, alleged to be owned by Malkiat Singh, had been annexed with the sale deed. Learned State counsel submitted that

the boundaries of the house shown in the site plan are in fact the boundaries of the house owned by the complainant and his brother and the house does not bear the Khasra numbers mentioned in the sale deed.

As per the allegation the petitioner claims to have purchased the house owned by the complainant and his brother by getting a sale deed executed in his favour and by getting incorporated wrong Khasra numbers in the sale deed. Prima facie the boundaries of the property sold are of the house of the complainant whereas the Khasra numbers mentioned in the sale deed are of some other land. Apparently, it is a case of deep rooted conspiracy and to unveil the truth, custodial interrogation of the petitioner, who is the beneficiary in the transaction, is necessary. Accordingly, in view of facts and circumstances of the case and least any expression above may prejudice the case of either side, in my considered opinion, no case for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 08, 2015

jitender